

## **The Addition of Equal Access to the Definition of Universal Service Would Ensure That the Definition is Technologically Neutral and Provides for the Offering of Comparable Service**

The Telecommunications Act of 1996 ("the Act") includes the following mandate, which must be followed by the Federal-State Joint Board on Universal Service when determining whether additional services must be included in the definition of universal service:

Section 254 (c) DEFINITION. --

(1) IN GENERAL. - Universal service is an evolving level of telecommunications services that the Commission shall establish periodically under this section, taking into account advances in telecommunications and information technologies and services. The Joint Board in recommending, and the Commission in establishing, the definition of services that are supported by Federal universal service support mechanisms shall consider the extent to which such telecommunications services-

(A) are essential to education, public health, or public safety;

(B) have, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers;

(C) are being deployed in public telecommunications networks by telecommunications carriers; and

(D) are consistent with the public interest, convenience and necessity.

This definition serves as the benchmark for the services that must be offered by a carrier to receive universal service funding. The definition is about the customer, and that service to which the customer is entitled in order to receive comparable services to those in the urban areas.

Including equal access capability in the definition of supported services is about comparable services and capability, and technological neutrality, and NOT about cost recovery.

Customers in rural and other high cost areas should have access to services comparable to those in lower cost, more easily served areas. The goal of the Act was to bring high quality services, and eventually high quality advanced capabilities, at reasonable and affordable rates to all Americans. The Act recognized competition and universal service as two ways in which to accomplish this end. Thus, the introduction of competition where appropriate and universal service support in rural, high-cost areas are to be used as tools to create the opportunity to close the gap between rural and urban America. Policies with regard to competition and universal service that increase that gap are antithetical to the

tenets of the Act and the foundations on which it was built. Neither of these pillars should be utilized to undermine that goal.

The foundation for the communications capability in many areas will revolve around the definition of supported services. If rural areas are to continue receiving the high quality services that the rural incumbent providers have brought to them, then decision makers have a duty to ensure that their decisions do not force the rural areas to take steps backwards. The universal service definition must ensure that the forward strides made in rural areas are preserved and that it does not allow competitive carriers to offer services that are reduced in quality or capability. America suffers as a result.

Universal service must be technologically neutral. This tenet allows a wireless company to receive universal service funding if designated as an ETC. However, the customer must receive the same services and quality of service regardless of the technology. In other words, an appropriate definition of universal service would make the primary attributes of the service transparent to the customer, regardless of the technology used. Ultimately, universal service and competition are about the opportunities for the customers and not the providers. Thus, implementation of competitive entry or universal service is not successful if it does not improve the customer's lot. Currently, the standards to which the incumbents are held means that the ILEC provides customers with public health and safety benefits, as well as superior value of service. The Joint Board's decision should not undermine these standards.

Good public policy dictates that competition and universal service enhance the capabilities and opportunities. Decisions that would do otherwise are bad public policy.

The debate about the inclusion of equal access in the definition of universal service should revolve around the provision of comparable services and the maintenance of technological neutrality.